

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CARTER M. STOVER and
BRENDA L. STOVER,

Plaintiffs,

v.

CIVIL ACTION NO. 5:09-cv-00152

FINGERHUT DIRECT MARKETING, INC.
and CIT BANK,

Defendants.

**CERTIFICATION OF CONSTITUTIONAL CHALLENGE
TO STATE STATUTE**

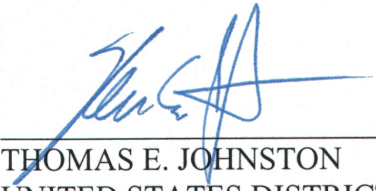
Pursuant to 28 U.S.C. § 2403(b) and Rule 5.1(b) of the Federal Rules of Civil Procedure, the Court hereby certifies to the Attorney General of West Virginia that the constitutionality of provisions of the West Virginia Consumer Credit and Protection Act, W. Va. Code § 46A-1-101 et seq., are at issue in the above-styled civil action.

In accord with Rule 5.1(c) of the Federal Rules of Civil Procedure, the Attorney General of West Virginia may intervene in this matter within 60 days after a party files notice of the challenge or after the Court certifies the challenge, whichever is earlier.

The Court **DIRECTS** the Clerk to send a copy of this Certification to counsel of record and any unrepresented party. The Court further **DIRECTS** the Clerk to send of copy of this Certification, the Complaint [Docket 1-2], Defendants' Motion to Dismiss [Docket 7] and

Memorandum in support thereof [Docket 8], Plaintiffs' Response [Docket 12], and Defendants' Reply [Docket 14] to the Attorney General of West Virginia.

ENTER: May 20, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE